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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q62188

Masayuki KONDO

Appln. No.: 09/732,787

Group Art Unit: 2833

Confirmation No.: 2734

Examiner: Felix O. FIGUEROA

Filed: December 11, 2000

For: WATERPROOFING APPARATUS FOR TERMINAL CONNECTING PORTION OF
SHEATHED WIRE

REQUEST FOR REHEARING PURSUANT TO 37 C.F.R. § 41.52

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.52, Appellant respectfully submits this Request for Rehearing in response to the Decision on Appeal dated May 31, 2005. Entry and favorable consideration of this Request for Rehearing is respectfully requested.

Summary of Claim Status

The claims stand rejected as follows:

Claims 4 and 6-8 are all the claims pending in the application. Claims 4 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's Admitted Prior Art (APA) in Fig. 6 in view of Gerrans, Jr. (U.S. Patent No.: 5,885,108). Claims 6 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA in Fig. 6

in view of Gerrans, and further in view of Hauchard et al. (U.S. Patent No.: 4,969,845),
hereinafter referred to as Hauchard.

REMARKS

Applicant respectfully submits that the points misapprehended or overlooked, as described in the Appeal record and below, warrant a reversal of the rejections of claims 4 and 6-8 on appeal.

The Decision on Appeal Unreasonably Relies on the Alleged Smoother Grip of the Cover Disclosed in Gerrans to Support the Rationale Underlying the Motivation to Combine References

The Decision on Appeal alleges that the cover 16 of Gerrans provides a “smoother grip” and that such “smoother grip” of the cover 16 would have motivated one of ordinary skill in the art to combine Gerrans with the APA (Fig. 6) to provide a “smoother grip” for the terminal fitting in the APA.

Applicant submits, however, that the Decision on Appeal overlooks the fact that nowhere does the present application disclose that the APA in Fig. 6 would even be gripped. Moreover, even if the APA were to be gripped, or held, nowhere does the present application disclose where and/or how the APA structure would be gripped, or how it would benefit from the alleged smooth gripping molded portion of Gerrans. *See paragraph bridging pages 5-6 of Appeal Brief.* That is, one of ordinary skill in the art, in view of the APA and the corresponding text set forth in the application, would not have been concerned with the gripping of the terminal fitting because such is not expressly or implicitly discussed. The Decision on Appeal appears to have overlooked this point.

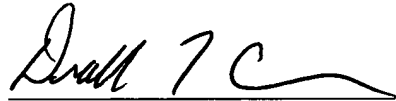
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Furthermore, exemplary benefits of the claimed molded portion and its attendant features do NOT relate to obtaining a better grip, but instead focus on following the shape of the flexed wire, enhancing waterproofing capability, and preventing the molded portion from being stripped from the wire. *See page 9, lines 19-24 of specification.*

For the above reasons, affirmance of the claim rejections should be reconsidered.

Respectfully submitted,



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CUSTOMER NUMBER

Date: August 1, 2005 (July 31, 2005 falling on a weekend)